

BARRY J. PORTMAN  
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Counsel for Defendant QUITMEYER

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	No. CR 07-0296 MAG
	)	
Plaintiff,	)	<b>DEFENDANT'S REPLY IN</b>
	)	<b>IN SUPPORT OF</b>
v.	)	<b>MOTION TO SUPPRESS</b>
	)	
CAROL QUITMEYER,	)	
	)	Date: September 27, 2007
Defendant.	)	Time: 11:00 a.m.
	)	Honorable Nandor J. Vadas

This Court has previously ordered that an evidentiary take place on September 27, 2007, at 11:00 a.m. The Court should hold the evidentiary hearing, due to the fact that the parties disagree on facts relevant to this Court's legal determinations. In particular, the parties disagree whether or not Ms. Quitmeyer was making a series of three point turns in control of the vehicle, or was stuck in a ditch unable to free the vehicle. The parties also disagree on the facts surrounding the stop and the positioning of Ms. Quitmeyer's car at the time the officer commanded her to stop moving the vehicle. The parties further disagree about the description of the stop location provided by the officer as a protected area closed to public entry. Under such circumstances, an evidentiary hearing is necessary. The law of the case, including this Court's determination as to the lawfulness of the stop, whether a seizure occurred, and reasonable suspicion depends on the facts determined by the Court at

1 the hearing.

2 For the foregoing reasons, defendant Carol Quitmeyer respectfully requests the Court to  
3 maintain the evidentiary hearing schedule in this matter. Counsel for Ms. Quitmeyer anticipates that  
4 the hearing would take no longer than an hour and a half to complete. Ms. Quitmeyer additionally  
5 requests an opportunity for post-hearing briefing, in order to write a more thorough Reply Brief that  
6 addresses specific facts raised and/or proved at the hearing.

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8 Dated: September 20, 2007  
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11 Respectfully submitted,

12 BARRY J. PORTMAN  
13 Federal Public Defender

14 /S/

15 ELIZABETH M. FALK  
16 Assistant Federal Public Defender  
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